

AMENDED IN ASSEMBLY SEPTEMBER 2, 2005

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN ASSEMBLY JULY 11, 2005

AMENDED IN ASSEMBLY JUNE 30, 2005

AMENDED IN ASSEMBLY JUNE 23, 2005

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 37

**Introduced by Senator Speier
(Coauthors: Senators Alquist and Kuehl)**

December 16, 2004

An act to amend Section 35179.1 of, and to add Article 6.5 (commencing with Section 49030) to Chapter 6 of Part 27 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 37, as amended, Speier. Prohibited substances.

~~Existing~~

(1) *Existing* law sets forth the rights and responsibilities of pupils in public schools. Existing law further requires certain school employees to comply with various educational requirements.

Existing law expresses legislative findings and declarations regarding the need for education and training for interscholastic athletic coaches. Existing law expresses the intent of the Legislature to establish a California High School Coaching Education and Training

Program, that would emphasize specified components, including sport physiology, which is described as principles of training, fitness for sport, development of a training program, and nutrition for athletes, to be administered by local school districts.

This bill would, in addition, describe the component of sport physiology as instruction on the harmful effects associated with the use of steroids and performance-enhancing dietary supplements by adolescents. The bill would require each high school sports coach, as defined, to complete a coaching education program developed by his or her school district or by the California Interscholastic Federation that meets those training requirements. The bill would make that requirement operative on December 31, 2008.

The bill would prohibit specified dietary supplements from being used by a pupil participating in interscholastic high school sports ~~on or after July 1, 2006~~ *60 days after specified information is posted on the State Department of Education's Web site*, with certain requirements. The bill would require the California Interscholastic Federation to amend its constitution and bylaws to require that school districts prohibit a pupil from participating in high school sports on and after July 1, ~~2007~~ *2006*, unless that pupil signs a pledge not to use *anabolic steroids without a prescription from a licensed health care practitioner* or a prohibited dietary supplement and the parent or guardian of that pupil signs a notification form regarding those restrictions.

The bill would prohibit the *marketing*, sale, or distribution, as specified, of prohibited dietary substances on a schoolsite or at a school-related event.

The bill would establish the California Coaching Education Fund and permit the State Treasurer to accept private donations that may be expended, upon appropriation by the Legislature, for purposes of training coaches, as specified in the bill.

(2) Existing law provides that it is a misdemeanor to sell, transfer, or otherwise furnish a dietary supplement containing specified ingredients to a person under 18 years of age.

The bill, on and after July 1, 2006, would include synephrine on that list of ingredients, thereby changing the definition of a crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35179.1 of the Education Code is
2 amended to read:
3 35179.1. (a) This section shall be known and may be cited as
4 the 1998 California High School Coaching Education and
5 Training Program.
6 (b) The Legislature finds and declares all of the following:
7 (1) The exploding demand in girls athletics, and an increase in
8 the number of pupils participating in both boys and girls
9 athletics, are causing an increase in the number of coaches
10 needed statewide.
11 (2) Well-trained coaches are vital to the success of the
12 experience of a pupil in sports and interscholastic athletic
13 activities.
14 (3) Improvement in coaching is a primary need identified by
15 hundreds of principals, superintendents, and school board
16 members who participated in the development of a strategic plan
17 for the California Interscholastic Federation (CIF) in 1993 and
18 1994.
19 (4) There are many concerns about safety, training,
20 organization, philosophy, communications, and general
21 management in coaching that need to be addressed.
22 (5) It is a conservative estimate that at least 25,000 coaches
23 annually need training and an orientation just to meet current
24 coaching regulations contained in Title 5 of the California Code
25 of Regulations, including basic safety and CPR requirements.
26 (6) School districts, in conjunction with the California
27 Interscholastic Federation, have taken the initial first steps
28 toward building a statewide coaching education program by
29 assembling a faculty of statewide trainers composed of school
30 district administrators, coaches, and athletic directors using a
31 national program being used in several states.
32 (c) It is, therefore, the intent of the Legislature to establish a
33 California High School Coaching Education and Training

1 Program. It is the intent of the Legislature that the program be
2 administered by local school districts and emphasize the
3 following components:

4 (1) Development of coaching philosophies consistent with
5 school, school district, and school board goals.

6 (2) Sport psychology: emphasizing communication,
7 reinforcement of the efforts of young people, effective delivery
8 of coaching regarding technique and motivation of the pupil
9 athlete.

10 (3) Sport pedagogy: how young athletes learn, and how to
11 teach sport skills.

12 (4) Sport physiology: principles of training, fitness for sport,
13 development of a training program, nutrition for athletes, and the
14 harmful effects associated with the use of steroids and
15 performance-enhancing dietary supplements by adolescents.

16 (5) Sport management: team management, risk management,
17 and working within the context of an entire school program.

18 (6) Training: certification in CPR and first aid.

19 (7) Knowledge of, and adherence to, statewide rules and
20 regulations, as well as school regulations including, but not
21 necessarily limited to, eligibility, gender equity and
22 discrimination.

23 (8) Sound planning and goal setting.

24 (d) This section does not endorse a particular coaching
25 education or training program.

26 SEC. 2. Article 6.5 (commencing with Section 49030) is
27 added to Chapter 6 of Part 27 of the Education Code, to read:

28
29 Article 6.5. Performance-Enhancing Substances
30

31 49030. (a) ~~Commencing July 1, 2006~~ *Sixty days after the*
32 *posting of the United States Guide to Prohibited Substances and*
33 *Prohibited Methods of Doping on the Web site of the department*
34 *pursuant to subdivision (b),* dietary supplements, as defined by
35 subsection (ff) of Section 321 of Title 21 of the United States
36 Code, that include any of the following substances, are prohibited
37 from being used by a pupil participating in interscholastic high
38 school sports:

39 (1) Synephrine.

(2) A prohibited substance enumerated by the United States Anti-Doping Agency Guide to Prohibited Substances and Prohibited Methods of Doping.

(b) The State Department of Health Services shall provide the State Department of Education with the United States Anti-Doping Agency Guide to Prohibited Substances and Prohibited Methods of Doping, on or before ~~June~~ March 30, 2006. Upon receipt of the guide, the State Department of Education shall notify each school district that serves pupils in grades 9 to 12, inclusive, that the guide has been completed and shall post the guide on its Web site. The State Department of Health Services shall annually notify the State Department of Education of any amendments to the guide for the following school year. For an amendment to be applicable for the ensuing school year, the State Department of Health Services shall notify the State Department of Education as to that amendment no later than the ~~June~~ March 30 immediately preceding the school year to which the amendment is to be applicable. Upon receipt of this notice, the State Department of Education shall notify each school district that serves pupils in grades 9 to 12, inclusive, that the guide has been amended and shall post the amended guide on its Web site. *An amendment become effective until 60 days after the department posts the amended guide on its Web site.*

49031. (a) A school may not accept a sponsorship from a manufacturer of a dietary supplement described in subdivision (a) of Section 49030, or from the distributor of a dietary supplement described in subdivision (a) of Section 49030 whose name appears on the labeling of the dietary supplement.

~~(b) A manufacturer of a dietary supplement described in subdivision (a) of Section 49030, or the distributor of a dietary supplement described in subdivision (a) of Section 49030 whose name appears on the labeling of the dietary supplement, may not market its company name or any of its products on a schoolsite or at a school-related event.~~

(b) A dietary supplement prohibited by Section 49030 may not be marketed on a schoolsite or at a school-related event.

(c) A dietary supplement prohibited by Section 49030 may not be sold or distributed on a schoolsite or at a school-related event.

(d) (1) For purposes of subdivision (b), “market” includes, but is not limited to, all of the following:

- 1 ~~(1)~~
2 (A) Direct product advertising.
3 ~~(2) Advertising a company name.~~
4 ~~(3)~~
5 (B) Provision of educational materials.
6 ~~(4)~~
7 (C) Product promotion by a school district employee or school
8 district volunteer.
9 ~~(5)~~
10 (D) Product placement.
11 ~~(6)~~
12 (E) Clothing or equipment giveaways.
13 ~~(7)~~
14 (F) Scholarships.
15 (2) *For purposes of subdivision (b), “market” does not include*
16 *the inadvertent display of a product name or product advertising*
17 *by a person who is not a manufacturer or distributor of a dietary*
18 *supplement described in subdivision (a) of Section 49030.*
19 ~~(e) Subdivisions (a) and (b) do not apply to an affiliate of a~~
20 (e) *Subdivision (a) does not apply to either of the following:*
21 (1) *An affiliate of a manufacturer or distributor of a dietary*
22 *supplement described in subdivision (a) of Section 49030 if the*
23 *affiliate does not manufacture or distribute a dietary supplement*
24 *described in subdivision (a).*
25 (2) *A manufacturer or distributor of a dietary supplement*
26 *described in subdivision (a) if no more than 50 percent of its*
27 *annual gross sales are derived from the manufacture or*
28 *distribution of dietary supplements as defined in subsection (ff) of*
29 *Section 321 of Title 21 of the United States Code.*
30 ~~49033.—~~
31 49032. (a) (1) Effective December 31, 2008, each high
32 school sports coach shall have completed a coaching education
33 program developed by his or her school district or the California
34 Interscholastic Federation that meets the guidelines set forth in
35 Section 35179.1.
36 (2) The coaching education program described by paragraph
37 (1) may be taught by an athletic director or high school sports
38 coach who is deemed to be qualified by the California
39 Interscholastic Federation.

1 (b) Upon completion of the program, a high school sports
2 coach shall be deemed to have completed the education
3 requirement for the remainder of his or her time coaching at the
4 high school level in any school district in the state.

5 (c) Each high school sports coach shall be responsible for the
6 costs of taking the course.

7 (d) The training requirements of this section shall count
8 toward the continuing education required for the renewal of the
9 teaching credential of a coach who is also a certificated
10 employee.

11 (e) Notwithstanding subdivision (a), a high school sports
12 coach who does not meet the requirements of subdivision (a)
13 may be used for no longer than one season of interscholastic
14 competition.

15 (f) For the purposes of this section, “high school sports coach”
16 means an employee or a volunteer who is authorized by a high
17 school to be responsible for leading a school sports team of pupil
18 athletes.

19 ~~49035.~~

20 49033. The California Interscholastic Federation shall amend
21 its constitution and bylaws to require, as a condition of
22 participation in interscholastic sports, that school districts
23 effective July 1, ~~2007~~ 2006, upon the notification provided
24 pursuant to subdivision (b) of Section 49030, *shall* prohibit a
25 pupil from participating in interscholastic high school sports,
26 unless that pupil signs a pledge not to use *anabolic steroids, as*
27 *defined in Section 802 of Title 21 of the United States Code,*
28 *without a prescription from a licensed health care practitioner or*
29 a dietary supplement prohibited by Section 49030 and the parent
30 and guardian of that pupil signs a notification form regarding
31 those restrictions.

32 ~~49036.~~

33 49034. (a) The State Treasurer may accept voluntary
34 contributions for the purpose of offsetting costs of training
35 coaches pursuant to Sections 35179.2 and 35179.3. Contributions
36 received by the State Treasurer shall be deposited in the
37 California Coaching Education Fund, which is hereby created in
38 the State Treasury.

39 (b) Funds deposited in the California Coaching Education
40 Fund are available upon appropriation by the Legislature and

1 may only be expended for purposes of Sections 35179.2 and
2 35179.3, and for administration of the California Coaching
3 Education Fund.

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